

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Magdalena Azmitia	Team: Squad #3	CCRB Case #: 201809359	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/01/2018 2:15 PM	Location of Incident: Inside of § 87(2)(b) § 87(2)(b) Inside the 52nd Precinct stationhouse	Precinct: 52	18 Mo. SOL 5/1/2020	EO SOL 12/16/2020	
Date/Time CV Reported Thu, 11/01/2018 2:16 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 11/08/2018 10:58 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Roy Escalante	01602	951714	052 DET
2. DT3 Juan Ramirez	436	920736	WARRSEC
3. SGT Craig Basler	00544	933636	052 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Sherrod Stuart	05539	952271	WARRSEC
2. POF Sarah Leclair	26961	943853	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Juan Ramirez	Abuse: Detective Juan Ramirez entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
B.POM Roy Escalante	Abuse: Police Officer Roy Escalante refused to provide his name to § 87(2)(b)	§ 87(2)(b)
C.POM Roy Escalante	Abuse: Police Officer Roy Escalante refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
D.POM Roy Escalante	Discourtesy: Police Officer Roy Escalante spoke discourteously to § 87(2)(b)	§ 87(2)(b)
E.POM Roy Escalante	Discourtesy: Police Officer Roy Escalante spoke discourteously to § 87(2)(b)	§ 87(2)(b)
F.POM Roy Escalante	Discourtesy: Police Officer Roy Escalante spoke discourteously to § 87(2)(b)	§ 87(2)(b)
G.POM Roy Escalante	Force: Police Officer Roy Escalante used physical force against § 87(2)(b)	§ 87(2)(b)
H.SGT Craig Basler	Discourtesy: Sergeant Craig Basler spoke discourteously to § 87(2)(b)	§ 87(2)(b)
I.POM Roy Escalante	Discourtesy: Police Officer Roy Escalante spoke discourteously to § 87(2)(b)	§ 87(2)(b)
J.POM Roy Escalante	Abuse: Police Officer Roy Escalante threatened to arrest § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
K.POM Roy Escalante	Abuse: Police Officer Roy Escalante threatened to arrest § 87(2)(b)	

### Case Summary

On November 1, 2018, § 87(2)(b) filed this complaint over the phone with IAB on behalf of herself, her son § 87(2)(b) and her sister § 87(2)(b) generating log #18-42932.

On November 1, 2018, at approximately 6:00 AM, Det. Juan Ramirez, Det. Sherrod Stuart, and PO Sarah LeClair, all of Bronx Warrant Section, responded to § 87(2)(b) § 87(2)(b) at § 87(2)(b) in Manhattan. Det. Ramirez stated that they were looking for § 87(2)(b) and allegedly took one step into the apartment (**Allegation A, Abuse of Authority:** § 87(2)(g)). Det. Ramirez told § 87(2)(b) to bring § 87(2)(b) to the 52<sup>nd</sup> Precinct stationhouse for questioning or officers could pick him up at school. At approximately 10:30 AM on that day, § 87(2)(b) and § 87(2)(b) brought § 87(2)(b) to the stationhouse and met with detectives, including PO Roy Escalante of the 52<sup>nd</sup> Precinct Detective Squad, on the second floor. § 87(2)(b) left the stationhouse briefly and returned at approximately 1:45 PM to find that § 87(2)(b) had been arrested. § 87(2)(b) asked for PO Escalante's name and shield number, to which he allegedly replied, "I'm not giving you shit," and "Tell your fucking lawyer to ask" (**Allegations B and C, Abuse of Authority:** § 87(2)(g); **Allegation D, Discourtesy:** § 87(2)(g)). PO Escalante then allegedly spoke to § 87(2)(b) and said, "Now you're fucked," in Spanish (**Allegation E, Discourtesy:** § 87(2)(g)). PO Escalante allegedly told § 87(2)(b) to "get the fuck out" and "get the fuck up" and pushed her towards the stairs, then pushed on her back as she walked down the stairs to the first floor of the stationhouse (**Allegation F, Discourtesy:** § 87(2)(g); **Allegation G, Force:** § 87(2)(g)). Sgt. Craig Basler, who was the desk officer, also allegedly told § 87(2)(b) "You heard him, get the fuck out" (**Allegation H, Discourtesy:** § 87(2)(g)). PO Escalante also allegedly told § 87(2)(b) to "get the fuck out" of the stationhouse or she and § 87(2)(b) would be arrested (**Allegation I, Discourtesy:** § 87(2)(g); **Allegations J and K, Abuse of Authority:** § 87(2)(g)).

No video footage of this incident was recovered.

### Findings and Recommendations

#### **Allegation (A) Abuse of Authority: Detective Juan Ramirez entered § 87(2)(b) in Manhattan.**

In her testimony to the CCRB, § 87(2)(b) stated that Det. Ramirez attempted to enter her apartment and took one step into the apartment before she blocked him and told him he could not enter [BR 02]. Det. Ramirez stated that if § 87(2)(b) was not brought into the stationhouse for questioning, officers would arrest him at school. § 87(2)(b) told Det. Ramirez that she would bring her son in later that day.

§ 87(2)(b)'s testimony to the CCRB was consistent with that of § 87(2)(b) with the following exceptions [BR 04]. Det. Ramirez informed § 87(2)(b) that § 87(2)(b) was being charged with credit card fraud. When Det. Ramirez was blocked from entering the apartment, he kept one foot in the door to prevent § 87(2)(b) from closing it. § 87(2)(b) did not speak with the officers but observed the conversation from his living room, which is to the right of the front door.

Det. Ramirez testified to the CCRB that he went to the location regarding an I-card for § 87(2)(b) associated with a UF-61 for grand larceny, and that his intent was to arrest § 87(2)(b) although he noted that he did not have an arrest warrant [BR 09]. The case had been assigned to Det. Ramirez on October 29, 2018, and he had spoken with PO Escalante, who was the investigating officer. § 87(2)(b) answered the door and stated that § 87(2)(b) had done nothing wrong. Det. Ramirez stood approximately two to three feet away from the door as he spoke to § 87(2)(b) who slammed the door shut. Det. Ramirez did not attempt to hold the door open or place his foot in the door. No part of Det. Ramirez's body broke the threshold of the door at any point.

PO LeClair's testimony was consistent with that of Det. Ramirez, with the exception that she added that the officers had a probable cause to arrest I-Card [BR 10].

The investigative DD5s prepared by PO Escalante confirm that a probable cause to arrest I-Card had been issued for § 87(2)(b) [Privileged Documents 01].

§ 87(2)(g)

**Allegation (B) Abuse of Authority: Police Officer Roy Escalante refused to provide his name to § 87(2)(b)**

**Allegation (C) Abuse of Authority: Police Officer Roy Escalante refused to provide his shield number to § 87(2)(b)**

**Allegation (D) Discourtesy: Police Officer Roy Escalante spoke discourteously to § 87(2)(b)**

**Allegation (E) Discourtesy: Police Officer Roy Escalante spoke discourteously to § 87(2)(b)**

**Allegation (F) Discourtesy: Police Officer Roy Escalante spoke discourteously to § 87(2)(b)**

**Allegation (G) Force: Police Officer Roy Escalante used physical force against § 87(2)(b)**

§ 87(2)(b) testified to the CCRB that she briefly left § 87(2)(b) at the stationhouse, where he had been speaking with Det. Escalante, to speak with a criminal attorney [BR 02]. During that time, she received a call from PO Escalante, who stated that § 87(2)(b) would be released. When she returned to the stationhouse, § 87(2)(b) had been placed under arrest and was in a holding cell, and PO Escalante stated that he had changed his mind. § 87(2)(b) stated that Det. Escalante had no evidence proving that § 87(2)(b) was involved with the alleged larceny and asked for Det. Escalante's name and shield number. Det. Escalante told § 87(2)(b) "I'm not giving you shit," and, "Tell your fucking lawyer to ask." Det. Escalante also spoke to § 87(2)(b) who was in the holding cell, and said, "Now you're fucked" in Spanish. He stated that he was going to let § 87(2)(b) go, but then § 87(2)(b) had retained an attorney. Det. Escalante told § 87(2)(b) to "get the fuck out." § 87(2)(b) was sitting in a chair at the time, and Det. Escalante attempted to grab her elbow. She pulled away from him and told him not to touch her. PO Escalante told § 87(2)(b) to "get the fuck up."

After she stood, he put one hand on her back and pushed her towards the stairs. Det. Escalante kept one hand on § 87(2)(b)'s back as he walked her down the stairs and repeatedly told her to "get the fuck out." On the first floor of the stationhouse, PO Escalante told § 87(2)(b) again that she needed to "get the fuck out."

§ 87(2)(b)'s testimony to the CCRB was consistent with that of § 87(2)(b) with the following exceptions [BR 04]. When PO Escalante said, "You're fucked," in Spanish, § 87(2)(b) believed that he was referring to the fact that he was being arrested. § 87(2)(b) heard PO Escalante speaking to § 87(2)(b) including the statement, "Get the fuck out" repeatedly, although he did not see them speaking. § 87(2)(b) noted that the holding cell was next to the staircase, and he could hear PO Escalante shove § 87(2)(b) until she went down the stairs. § 87(2)(b) noted that he knew it was his mother being shoved because he heard her say, "Why are you touching me?" He then heard footsteps stumbling down the stairs. § 87(2)(b) did not hear any further conversation between PO Escalante and § 87(2)(b) but heard other officers downstairs telling § 87(2)(b) to "get the fuck out."

§ 87(2)(b)'s testimony to the CCRB was consistent with that of § 87(2)(b) and § 87(2)(b) with the following exceptions [BR 06]. Approximately 10-15 minutes after § 87(2)(b) went to the second floor of the stationhouse, § 87(2)(b) heard yelling from upstairs, but did not hear what was said. § 87(2)(b) saw § 87(2)(b) coming down the stairs with PO Escalante, who had a hand on § 87(2)(b)'s back and appeared to be pushing her, although she did not stumble or lose her balance. PO Escalante also told § 87(2)(b) to "get the fuck out" several times. § 87(2)(b) stood between the PO Escalante and § 87(2)(b) told § 87(2)(b) that they should leave before the situation escalated further.

PO Escalante testified to the CCRB that § 87(2)(b) arrived at the stationhouse to obtain information about § 87(2)(b)'s arrest [BR 08]. § 87(2)(b) was initially cooperative as they spoke, and she answered PO Escalante's questions regarding § 87(2)(b)'s pedigree information. PO Escalante asked § 87(2)(b) for information regarding § 87(2)(b)'s school. § 87(2)(b) replied, "Why the fuck do you need that information? Are you going to fucking pick him up and drop him off from school?" and began screaming. PO Escalante told § 87(2)(b) to get up from her seat and leave the stationhouse. PO Escalante did not tell § 87(2)(b) to "get the fuck up," or "get the fuck out of the stationhouse." PO Escalante did not use the word "fuck" or any other profanity when speaking to § 87(2)(b). PO Escalante did not tell § 87(2)(b) "You're fucked," in English or in Spanish while § 87(2)(b) was in the holding cell. PO Escalante did not use any profanity while speaking with § 87(2)(b) at any point. § 87(2)(b) stated that she wanted PO Escalante's name and shield number, and PO Escalante verbally provided his shield number and last name. PO Escalante did not tell § 87(2)(b) "I'm not giving you shit, tell your fucking lawyer to ask." § 87(2)(b) complied with PO Escalante's instructions to get up and leave but continued screaming as PO Escalante escorted her downstairs and out of the stationhouse. PO Escalante walked behind § 87(2)(b) but did not have any physical contact with her as she was leaving. PO Escalante did not push on § 87(2)(b)'s back as she was leaving the stationhouse.

Sgt. Craig Basler of the 52<sup>nd</sup> Precinct was the assigned desk officer at the time of the incident and did not recall seeing § 87(2)(b) interacting with any officers on the incident date [BR 07]. Sgt. Basler was shown photos of § 87(2)(b) and of § 87(2)(b) but did not recognize them.

§ 87(2)(g)  
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§ 87(2)(g)

**Allegation (H) Discourtesy: Sergeant Craig Basler spoke discourteously to § 87(2)(b)**

**Allegation (I) Discourtesy: Police Officer Roy Escalante spoke discourteously to § 87(2)(b)**

**Allegation (J) Abuse of Authority: Police Officer Roy Escalante threatened to arrest**

§ 87(2)(b)

**Allegation (K) Abuse of Authority: Police Officer Roy Escalante threatened to arrest**

§ 87(2)(b)

In her testimony to the CCRB, § 87(2)(b) stated that upon reaching the first floor of the stationhouse, an officer at the command desk said to her, “You heard him, get the fuck out” [BR 02]. § 87(2)(b) described the officer as a heavyset white male in his early 30s who was balding and had stripes on the sleeve of his uniform but could not specify where on the sleeve the stripes were. PO Escalante told § 87(2)(b) to “get the fuck out,” and said that both she and § 87(2)(b) would be arrested if they returned to the stationhouse.

§ 87(2)(b) testified to the CCRB that three officers near the command desk told § 87(2)(b) to “get the fuck out” [BR 06]. § 87(2)(b) described the three officers as white males, two of whom were in uniform and one of whom was in plainclothes. PO Escalante did not address § 87(2)(b) at any point, as he was focused on § 87(2)(b) and directed his profane language and threat of arrest at § 87(2)(b) alone.

PO Escalante testified to the CCRB that he did not hear any other officers tell § 87(2)(b) to “get the fuck out” or use any profanity towards § 87(2)(b) [BR 08]. PO Escalante did not see or hear any other officers speak to § 87(2)(b) as she left the stationhouse. § 87(2)(b) followed § 87(2)(b) out of the stationhouse, and PO Escalante did not have any interaction with her. PO Escalante did not tell either § 87(2)(b) or § 87(2)(b) that they would be arrested if they did not leave the stationhouse.

Sgt. Basler testified to the CCRB that he did not recall having any interaction with § 87(2)(b) nor did he recall telling § 87(2)(b) to “get the fuck out” of the stationhouse or hear any other officers do so [BR 07]. According to his MOS photo, Sgt. Basler is a § 87(2)(b). Given that Sgt. Basler matches § 87(2)(b)'s description and that he was the desk sergeant at the time of the incident, the discourtesy is being pleaded against Sgt. Basler.

§ 87(2)(g) [REDACTED]  
(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] have been parties [BR 11, 12, 13].
- Det. Ramirez has been a member of service for 21 years. He has been a subject of seven other CCRB cases with nine allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- Sgt. Basler has been a member of service for 15 years. He has been a subject of nine other CCRB complaints, one of which was substantiated.
  - 201304834 involved an allegation of entry and/or search of premises pleaded against Sgt. Basler. The Board recommended Charges, and the NYPD has forfeited two vacation days from him.
  - 201007166, 201010661, and 201402022 involved discourtesy allegations pleaded against Sgt. Basler, which were closed as complainant uncooperative, unfounded, and unsubstantiated.
- PO Escalante has been a member of service for seven years. He has been a subject of two other CCRB cases with four allegations, none of which were substantiated. § 87(2)(g) [REDACTED]

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- On September 23, 2019, a request to determine if a Notice of Claim was filed was submitted; confirmation from the Office of the New York City comptroller will be forwarded upon receipt [BR 14].
- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

- According to OCA, neither § 87(2)(b) nor § 87(2)(b) has any criminal convictions in New York [BR 16, 17].

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Squad No.: 3

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date